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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,078	12/23/2003	Anton Juranko	TORQ_S_A.IDC	8106

7590 07/25/2005
R.F. Gallagher
7420 Milner Dr.
Colorado Springs, CO 80920

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,078

Applicant(s)

JURANKO, ANTON

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The drawings are objected to because:
 - a. Inappropriate cross hatching patterns are used in the depiction of the flywheel 18, the rubber bushings 38, the steel bolt sleeves 42, and the steel rings 44. See MPEP § 608.02 for the appropriate patterns.
 - b. The figures fail to show the sleeves 44 without crowding. The lead line for numeral 44 appears to just point to a narrow gap between the housing 26 and the rubber bushing 38.
3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 2, 6, & 7 are objected to because:
 - a. Claim 1, line 4, includes the limitation, “a a flywheel”.
 - b. Claim 2, line 5, a determinant such as “said” or “the” should inserted prior to “peak”.
 - c. Claims 6 & 7 both depend from a canceled claim.

Claim Rejections - 35 USC § 102

5. Claims 1-4, 6 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeidler et al, US 4,188,802 (Zeidler). Figs. 1 & 2 show a method of reducing peak torque loads caused by automatic gear shifting comprising the steps of: transmitting rotation power (see also “torque transmission” in col. 2, line 15) through a torque shock absorber 10 having a generally cylindrical housing (see also “a circular ring” in col. 4, line 32) *adapted* for attachment to a flywheel turned by a crankshaft on an internal combustion engine on one cylindrical end and to a driven flange 19 of a driven shaft of a transmission on the other cylindrical end; so that peak torque loads transmitted through the torque shock absorber are reduced (see also “dampening” in col. 1, line 64). Fig. 2 shows the shock absorber comprises a plurality of peripherally spaced openings such that each opening includes: a bolt 16, 18; an external sleeve 12; a rubber bushings

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14; and an internal sleeve 13. In col. 1, lines 15 & 16 the sleeves are disclosed as being made from steel.

6. Claims 1, 2, 6 & 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaye, US 6,508,713. Figs. 1-5 show a method of reducing peak torque loads caused by automatic gear shifting comprising the steps of: transmitting rotation power through a torque shock absorber 10 having a generally cylindrical housing 14 adapted for attachment to a flywheel 12 turned by a crankshaft of an internal combustion engine (see also col. 1, line 9) on one cylindrical end and is adapted (as at the openings 16) for attachment to driven flange on a driven shaft of an automatic transmission (see also col. 1, line 9 and col. 6, line 6) on the other cylindrical end; so that peak torque loads transmitted through the torque shock absorber are reduced (see also "reducing the emission of torsional vibrations" in col. 4, lines 16 & 17). Figs. 1-5 show the shock absorber comprises a plurality of peripherally spaced openings such that each opening includes: a bolt 30, 32; an external sleeve 18, 20; a rubber bushing 22, 24; and an internal sleeve 34, 36.

Claim Rejections - 35 USC § 103

7. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaye. Kaye shows all the limitations of the claims but does not expressly disclose making the sleeves from steel. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the sleeves from steel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Response to Arguments

8. Applicant's arguments filed June 20, 2005 have been fully considered but they are not persuasive.

- a. Applicant argues that claims 1-7 "are now in the application." However, the claim listing shows only the claims 1-4, 6 & 7 remain pending.
- b. Applicant argues that Zeidler fails to anticipate the claims because Zeidler fails to show the torque shock absorber 10 directly attached to a flywheel. Even if applicant's characterization of what is shown in Zeidler were accurate, the argument would be unpersuasive because the claims recite only that the shock absorber be *adapted* for attachment to a flywheel. Since Zeidler clear shows the shock absorber adapted for such attachment, the argument is unpersuasive.
- c. Applicant argues that Zeidler fails to anticipate the claims because "Zeidler's elastic shaft plate [10] could not without substantial modification be coupled directly to a heated flywheel of an internal combustion engine". However, Zeidler's shock absorber 10 comprises every limitation of the instant claims. If it is in fact missing some critical feature that would allow it to be "coupled directly to a heated flywheel of an internal combustion engine", then so is the shock absorber of the instant invention. If applicant decides to maintain this argument, then he needs to immediately disclose and claim the up-to-now concealed structure that is required to allow his shock absorber to be coupled directly to a heated flywheel of an internal combustion engine.

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d. Applicant argues that Kaye fails to anticipate and/or make obvious the claims because the cylindrical housing 14 is shaped as a plate. However, there is no limitation in the claims which precludes a cylindrical plate from reading on the cylindrical housing recited therein.

e. Applicant argues that Kaye fails to anticipate and/or make obvious the claims because the cylindrical housing 14 would allow too much twist and thus be unable to maintain the bolts in a parallel position. However, Kaye expressly discloses using the housing 14 in the same operating environment contemplated by the disclosed invention (see Kaye, col. 1, line 9). As such there is no reason to expect the housing 14 would be made so that it would behave in a way that would make it useless in the disclosed operating environment.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

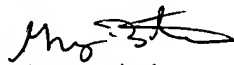
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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
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